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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,999	08/06/2003	Young-Saeng Kim	1594.1261	7497
21171 STAAS & HA	7590 12/22/2006 LSEY LLP	EXAMINER		
SUITE 700			MAYEKAR, KISHOR	
1201 NEW YO WASHINGTO	ORK AVENUE, N.W. ON. DC 20005		ART UNIT	PAPER NUMBER
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SHORTENED STATUTOR	RY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
31 [DAYS	12/22/2006	PAP	PER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary Examiner		1 N						
## Examiner Art Unit 1753		Application No.	Applicant(s)					
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- The MAILING DAYE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ∫ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Elementor of time may be available under the provision of 37 CFR 11360, in no evert, however, may a reply be timely fled after 40 (x) 9 MONTHS from the mailing date and the provision of 37 CFR 11360, in no evert, however, may a reply be timely fled after 40 (x) 9 MONTHS from the mailing date of this communication, and the provision of Claims 4) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-36 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) □ Claim(s) is/are allowed. 5) □ Claim(s) is/are allowed. 5) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are rejected to. 8) □ Claim(s) is/are are pected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the	Office Action Summary	Examiner	Art Unit					
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Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-13, drawn to an air purifier, classified in class 96, subclass 15+.
 - II. Claims 14, 15 and 20-18, drawn to an air purifier, classified in class 422, subclass 121.
 - III. Claims 16-19, drawn to an air purifier, classified in class 96, subclass 15+.
 - IV. Claims 29-36, drawn to an air purifier, classified in class 422, subclass 186+.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions of Groups I-IV are directed to related air purifier. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed they have different effect. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.
- 3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because

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the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. This application contains claims 10-13, 24-27, and 32-36 directed to the following patentably distinct species: the functional filter comprising a photocatalytic filter, a functional material confined in micropores of carbon nanotubes, titanium oxide confined in micropores of carbon nanotubes, silver confined in micropores of carbon nanotubes and nickel confined in micropores of carbon nanotubes. The species are independent or distinct because they are mutually exclusive.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 14 and 29 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the

election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

A telephone call was made to Attorney Michael Stein on 19 December 2006, being 5. told that he is no longer there and unable to get another attorney from the receptionist, to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions Art Unit: 1753

unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is (571) 272-1339. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-

217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-9199 (IN

USA OR CANADA) or 571-272-1000.

Kishor Mayekar Primary Examiner

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